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Act II

UNIFORM MOTOR-VEHICLE OPERATORS' AND CHAUFFEURS' LICENSE ACT

PUBLIC ROADS ADMINISTRATION
FEDERAL WORKS AGENCY

This Act is part of a
Uniform Vehicle Code

CONSISTING OF

- I.—“Uniform Motor-Vehicle Administration, Registration, Certificate of Title, and Antitheft Act”
 - II.—“Uniform Motor-Vehicle Operators' and Chauffeurs' License Act”
 - III.—“Uniform Motor-Vehicle Civil Liability Act”
 - IV.—“Uniform Motor-Vehicle Safety Responsibility Act”
 - V.—“Uniform Act Regulating Traffic on Highways”
- As revised and approved by the National Conference on
Street and Highway Safety, 1944

PUBLISHED UNDER AUTHORITY CONTAINED IN THE FEDERAL HIGHWAY ACT
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FOREWORD

This act is one of five acts which constitute the uniform vehicle code as revised and recommended for State enactment as the foundation for uniform traffic regulation.

The uniform vehicle code was originally prepared in 1925-26 by the National Conference on Street and Highway Safety in cooperation with the National Conference of Commissioners on Uniform State Laws. It was reviewed and revised by the National Conference on Street and Highway Safety in 1930, in 1934, in 1938, and again in 1944. In each case the revisions were based upon thorough study by a representative committee, extending over a period of months, of the provisions of the various acts in the light of experience and changed conditions.

The National Conference on Street and Highway Safety, as heretofore, recommends two other sets of standards to supplement the uniform vehicle code—model traffic ordinances for municipalities and a manual on uniform traffic-control devices for streets and highways.

NOTE.—The following organizations have cooperated in conducting the Conference: Public Roads Administration, Federal Works Agency; American Association of Motor Vehicle Administrators; American Automobile Association; American Mutual Alliance; American Transit Association; Association of American Railroads; Automobile Manufacturers Association; Chamber of Commerce of the United States; National Conservation Bureau; and National Safety Council. The Automobile Club of Southern California has made substantial contributions to the staff work of the uniform vehicle code and model traffic ordinances.

ACT II.—UNIFORM MOTOR-VEHICLE OPERATORS' AND CHAUFFEURS' LICENSE ACT

TABLE OF CONTENTS

ARTICLE I.—WORDS AND PHRASES DEFINED		Page
Sections 1-7		1
ARTICLE II.—ISSUANCE OF LICENSES, EXPIRATION, AND RENEWAL		
Section 8. Operators and chauffeurs must be licensed.....		2
Section 9. What persons are exempt from license.....		2
Section 10. What persons shall not be licensed.....		3
Section 11. Classification of chauffeurs—special restrictions.....		3
Section 12. Instruction permits and temporary licenses.....		4
Section 13. Application for license or instruction permit.....		4
Section 14. Applications of minors		5
Section 15. Release from liability		5
Section 16. Cancellation of license upon death of person signing minor's application		5
Section 17. Examination of applicants		5
Section 18. Licenses issued to operators and chauffeurs.....		6
Section 19. License to be carried and exhibited on demand.....		6
Section 20. Restricted licenses		6
Section 21. Duplicate certificates		7
Section 22. Expiration of license		7
Section 23. Notice of change of address or name.....		7
Section 24. Records to be kept by the department.....		7
ARTICLE III.—CANCELAN, SUSPENSION, OR REVOCATION OF LICENSES		
Section 25. Authority of department to cancel license.....		8
Section 26. Suspending privileges of nonresidents and reporting convictions		8
Section 27. Suspending resident's license upon conviction in another State		8
Section 28. When court to forward license to department and report convictions		8
Section 29. Mandatory revocation of license by department.....		9
Section 30. Authority of department to suspend or revoke license.....		9
Section 31. Department may require reexamination		10
Section 32. Period of suspension or revocation.....		10
Section 33. Surrender and return of license		10
Section 34. No operation under foreign license during suspension or revocation in this State		10
Section 35. Right of appeal to court		10
ARTICLE IV.—VIOLATION OF LICENSE PROVISIONS		
Section 36. Unlawful use of license		11
Section 37. Making false affidavit perjury		11
Section 38. Driving while license suspended or revoked.....		11
Section 39. Permitting unauthorized minor to drive.....		12
Section 40. Permitting unauthorized person to drive.....		12
Section 41. Employing unlicensed chauffeur		12
Section 42. Renting motor vehicle to another.....		12
ARTICLE V.—PENALTIES		
Section 43. Penalty for misdemeanor		12
ARTICLE VI.—EFFECT OF AND SHORT TITLE OF ACT		
Section 44. Uniformity of interpretation		13
Section 45. Short title		13
Section 46. Constitutionality		13
Section 47. Repeal		13
Section 48. Time of taking effect		13

THE CHARTER OF THE CITY OF NEW YORK

TABLE OF CONTENTS

Section 1	Section 2	Section 3	Section 4	Section 5	Section 6	Section 7	Section 8	Section 9	Section 10	Section 11	Section 12	Section 13	Section 14	Section 15	Section 16	Section 17	Section 18	Section 19	Section 20	Section 21	Section 22	Section 23	Section 24	Section 25	Section 26	Section 27	Section 28	Section 29	Section 30	Section 31	Section 32	Section 33	Section 34	Section 35	Section 36	Section 37	Section 38	Section 39	Section 40	Section 41	Section 42	Section 43	Section 44	Section 45	Section 46	Section 47	Section 48	Section 49	Section 50	Section 51	Section 52	Section 53	Section 54	Section 55	Section 56	Section 57	Section 58	Section 59	Section 60	Section 61	Section 62	Section 63	Section 64	Section 65	Section 66	Section 67	Section 68	Section 69	Section 70	Section 71	Section 72	Section 73	Section 74	Section 75	Section 76	Section 77	Section 78	Section 79	Section 80	Section 81	Section 82	Section 83	Section 84	Section 85	Section 86	Section 87	Section 88	Section 89	Section 90	Section 91	Section 92	Section 93	Section 94	Section 95	Section 96	Section 97	Section 98	Section 99	Section 100
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ACT II.—UNIFORM MOTOR-VEHICLE OPERATORS' AND CHAUFFEURS' LICENSE ACT

TITLE OF ACT

An act relating to the licensing of persons operating motor vehicles upon highways and to make uniform the law relating thereto.

*Be it enacted, * * **

ARTICLE I

WORDS AND PHRASES DEFINED

SECTION 1. *Definitions.*—The following words and phrases when used in this act shall, for the purpose of this act, have the meanings respectively ascribed to them in this article.

SEC. 2. (a) *Vehicle.*—Every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) *Motor vehicle.*—Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) *Farm tractor.*—Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(d) *School bus.*—Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

SEC. 3. (a) *Person.*—Every natural person, firm, copartnership, association, or corporation.

(b) *Operator.*—Every person, other than a chauffeur, who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

(c) *Chauffeur.*—Every person who is employed by another for the principal purpose of driving a motor vehicle and every person who drives a school bus transporting school children or any motor vehicle when in use for the transportation of persons or property for compensation.

(d) *Owner.*—A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act.

SEC. 4. *Nonresident.*—Every person who is not a resident of this State.

SEC. 5. *Street or highway.*—The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.¹

¹ This definition renders the terms "street" and "highway" synonymous and interchangeable.

SEC. 6. (a) *Commissioner*.—The commissioner of motor vehicles of this State.

(b) *Department*.—The department of motor vehicles of this State acting directly or through its duly authorized officers and agents.

SEC. 7. *Suspension, revocation, and cancellation*.—(a) Suspension means that the driver's license and privilege to drive a motor vehicle on the public highways are temporarily withdrawn but only during the period of such suspension.

(b) Revocation means that the driver's license and privilege to drive a motor vehicle on the public highways are terminated and shall not be renewed or restored, except that an application for a new license may be presented and acted upon by the department after the expiration of at least 1 year after the date of revocation.

(c) Cancellation means that a driver's license is annulled and terminated because of some error or defect or because the licensee is no longer entitled to such license, but the cancellation of a license is without prejudice and application for a new license may be made at any time after such cancellation.

ARTICLE II

ISSUANCE OF LICENSES, EXPIRATION, AND RENEWAL

SEC. 8. *Operators and chauffeurs must be licensed*.—(a) No person, except those hereinafter expressly exempted, shall drive any motor vehicle upon a highway in this State unless such person has a valid license as an operator or chauffeur under the provisions of this act. No person shall drive a motor vehicle as a chauffeur unless he holds a valid chauffeur's license. No person shall receive a chauffeur's license unless and until he surrenders to the department any operator's license issued to him or an affidavit that he does not possess an operator's license.²

(b) Any person holding a valid chauffeur's license hereunder need not procure an operator's license.

(c) Any person licensed as an operator or chauffeur hereunder may exercise the privilege thereby granted upon all streets and highways in this State and shall not be required to obtain any other license to exercise such privilege by any county, municipal or local board, or body having authority to adopt local police regulations.

SEC. 9. *What persons are exempt from license*.—The following persons are exempt from license hereunder:

1. Any person while operating a motor vehicle in the service of the Army, Navy, or Marine Corps of the United States;

2. Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway;

3. A nonresident who is at least 16 years of age and who has in his immediate possession a valid operator's license issued to him in his home State or country may operate a motor vehicle in this State only as an operator;

² In some States upon adopting this act it may be desirable to amend sec. 8 in line 1 to read "On and after _____ date," etc., to allow sufficient time for employment and training of personnel to administer the act. Attention is directed to sec. 48, declaring when the entire act shall take effect, which may be sufficient.

4. A nonresident who is at least 18 years of age and who has in his immediate possession a valid chauffeur's license issued to him in his home State or country may operate a motor vehicle in this State either as an operator or chauffeur subject to the age limits applicable to chauffeurs in this State except that any such person must be licensed as a chauffeur hereunder before accepting employment as a chauffeur from a resident of this State;

5. Any nonresident who is at least 18 years of age, whose home State or country does not require the licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than 90 days in any calendar year, if the motor vehicle so operated is duly registered in the home State or country of such nonresident.

SEC. 10. *What persons shall not be licensed.*—The department shall not issue any license hereunder:

1. To any person, as an operator, who is under the age of 16 years, except that the department may issue a restricted license as hereinafter provided to any person who is at least 14 years of age;³

2. To any person, as a chauffeur, who is under the age of 18 years;

3. To any person, as an operator or chauffeur, whose license has been suspended during such suspension, nor to any person whose license has been revoked, except as provided in section 32;

4. To any person, as an operator or chauffeur, who is an habitual drunkard, or is addicted to the use of narcotic drugs;

5. To any person, as an operator or chauffeur, who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law;

6. To any person, as an operator or chauffeur, who is required by this act to take an examination, unless such person shall have successfully passed such examination;

7. To any person who is required under the provisions of the motor-vehicle financial responsibility laws of this State to deposit proof of financial responsibility and who has not deposited such proof;⁴

8. To any person when the commissioner has good cause to believe that such person by reason of physical or mental disability would not be able to operate a motor vehicle with safety upon the highways.

Alternate 8.—To any person when the commissioner has good cause to believe that the operation of a motor vehicle on the highways by such person would be inimical to public safety or welfare.⁵

SEC. 11. *Classification of chauffeurs—special restrictions.*—(a) The department upon issuing a chauffeur's license shall indicate thereon the class of license so issued and shall appropriately examine each applicant according to the class of license applied for and may impose such rules and regulations for the exercise thereof as it may deem necessary for the safety and welfare of the traveling public.

³ It is recognized that the desirable minimum age limit for operators in a particular State may depend very largely upon the accident records of minors, the hazards upon the highways, and other conditions in the State and it is recommended that these factors be carefully considered in determining such minimum age and from time to time thereafter to determine whether any change should be made in the established minimum age.

⁴ For adoption in those States which have in effect a motor-vehicle financial responsibility act.

⁵ This alternate is in many respects desirable as it would permit the commissioner to exercise discretion where he finds, for example, that the applicant, although previously unlicensed, has operated motor vehicles and has been convicted of serious traffic violations or has a bad traffic accident record.

(b) No person who is under the age of 21 years shall drive any school bus transporting school children or any motor vehicle when in use for the transportation of persons or property for compensation nor in either event until he has been licensed as a chauffeur for either such purpose and the license so indicates. The department shall not issue a chauffeur's license for either such purpose unless the applicant has had at least 1 year of driving experience prior thereto and has filed with the department one or more certificates signed by a total of at least three responsible people to whom he is well known certifying as to his good character and habits and the department is fully satisfied as to the applicant's competency and fitness to be so employed.

SEC. 12. *Instruction permits and temporary licenses.*—(a) Any person who is at least 14 years of age may apply to the department for an instruction permit. The department may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant while having such permit in his immediate possession to drive a motor vehicle upon the public highways for a period of 60 days when accompanied by a licensed operator or chauffeur who is occupying a seat beside the driver, except in the event the permittee is operating a motorcycle. Any such instruction permit may be renewed or a new permit issued for an additional period of 90 days.

(b) The department upon receiving proper application may in its discretion issue a restricted instruction permit effective for a school year or more restricted period to an applicant who is enrolled in a driver-training program approved by the department even though the applicant has not reached the legal age to be eligible for an operator's license. Such instruction permit shall entitle the permittee when he has such permit in his immediate possession to operate a motor vehicle only on a designated highway or within a designated area but only when an approved instructor is occupying a seat beside the permittee.

(c) The department may in its discretion issue a temporary driver's permit to an applicant for an operator's license permitting him to operate a motor vehicle while the department is completing its investigation and determination of all facts relative to such applicant's right to receive an operator's license. Such permit must be in his immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused.

SEC. 13. *Application for license or instruction permit.*—(a) Every application for an instruction permit or for an operator's or chauffeur's license shall be made upon a form furnished by the department. Every application shall be accompanied by the proper fee and payment of such fee shall entitle the applicant to not more than three attempts to pass the examination within a period of 6 months from the date of application.

(b) Every said application shall state the full name, date of birth, sex, and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as an operator or chauffeur, and, if so, when and by what State or country, and whether any such license has ever been sus-

pended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation, or refusal.

SEC. 14. *Applications of minors.*—(a) The application of any person under the age of 18 years for an instruction permit or operator's license shall be signed and verified before a person authorized to administer oaths by both the father and mother of the applicant, if both are living and have custody of him, or in the event neither parent is living then by the person or guardian having such custody or by an employer of such minor, or in the event there is no guardian or employer then by other responsible person who is willing to assume the obligation imposed under this act upon a person signing the application of a minor.

(b) Any negligence or willful misconduct of a minor under the age of 18 years when driving a motor vehicle upon a highway shall be imputed to the person who has signed the application of such minor for a permit or license, which person shall be jointly and severally liable with such minor for any damages caused by such negligence or willful misconduct (except as otherwise provided in the next succeeding paragraph).

(c) In the event a minor deposits or there is deposited upon his behalf proof of financial responsibility in respect to the operation of a motor vehicle owned by him, or if not the owner of a motor vehicle, then with respect to the operation of any motor vehicle, in form and in amounts as required under the motor-vehicle financial responsibility laws of this State, then the department may accept the application of such minor when signed by one parent or the guardian of such minor, and while such proof is maintained such parent or guardian shall not be subject to the liability imposed under the preceding paragraph of this section.⁶

SEC. 15. *Release from liability.*—Any person who has signed the application of a minor for a license may thereafter file with the department a verified written request that the license of said minor so granted be canceled. Thereupon the department shall cancel the license of said minor and the person who signed the application of such minor shall be relieved from the liability imposed under this act by reason of having signed such application on account of any subsequent negligence or willful misconduct of such minor in operating a motor vehicle.

SEC. 16. *Cancellation of license upon death of person signing minor's application.*—The department upon receipt of satisfactory evidence of the death of the persons who signed the application of a minor for a license shall cancel such license and shall not issue a new license until such time as a new application, duly signed and verified, is made as required by this act. This provision shall not apply in the event the minor has attained the age of 18 years.

SEC. 17. *Examination of applicants.*—(a) The department shall examine every applicant for an operator's or chauffeur's license, except as otherwise provided in this section. Such examination shall include a test of the applicant's eyesight, his ability to read and

⁶ Subpar. (c) suitable for adoption in those States which adopt a motor-vehicle financial responsibility law.

understand highway signs regulating, warning, and directing traffic, his knowledge of the traffic laws of this State, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle.⁷ The department shall make provision for giving an examination either in the county where the applicant resides or at a place adjacent thereto reasonably convenient to the applicant within not more than 30 days from the date the application is received.

(b) The department shall issue without examination an operator's license to any person applying therefor within 3 months after this section takes effect who furnishes evidence satisfactory to the department that he is not disqualified under the provisions of this act and that he has previously operated a motor vehicle in a satisfactory manner for a period of not less than one year.⁸

SEC. 18. *Licenses issued to operators and chauffeurs.*—(a) The department shall (upon payment of the required fee) issue to every applicant qualifying therefor an operator's or chauffeur's license as applied for, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address, and a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

(b) Every chauffeur's license shall bear thereon a photograph of the licensee, which shall be furnished by him.

(c) Whenever the department issues an original license to a person under the age of 21 years such license shall be designated and clearly marked as a "provisional license." Upon renewal as applicable to operators' licenses the department may for reasonable cause as shown by its records designate the renewal of the license as provisional, otherwise a license in usual form shall be issued subject to other provisions of this act.

SEC. 19. *License to be carried and exhibited on demand.*—Every licensee shall have his operator's or chauffeur's license in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a justice of the peace, a peace officer, or a field deputy or inspector of the department. However, no person charged with violating this section shall be convicted if he produces in court or the office of the arresting officer an operator's or chauffeur's license theretofore issued to him and valid at the time of his arrest.

SEC. 20. *Restricted licenses.*—(a) The department upon issuing an operator's or chauffeur's license shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the department

⁷ A State upon adopting the above provision may desire, in the interest of traffic safety, to add the following: "and such further physical and mental examination as the department finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways."

⁸ For adoption in those States not previously requiring the licensing of operators and chauffeurs.

may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(b) The department may either issue a special restricted license or may set forth such restrictions upon the usual license form.

(c) The department may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee shall be entitled to a hearing as upon a suspension or revocation under this act.

(d) It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

SEC. 21. *Duplicate certificates.*—In the event that an instruction permit or operator's or chauffeur's license issued under the provisions of this act is lost or destroyed, the person to whom the same was issued may (upon payment of the required fee) obtain a duplicate, or substitute thereof, upon furnishing proof satisfactory to the department that such permit or license has been lost or destroyed.

SEC. 22. *Expiration of license.*—(a) Every operator's license shall expire July first⁹ (in the second) (or) in the third year following the issuance of such license. Every such license shall be renewable on or before its expiration upon application (and payment of the required fee). The department may require an examination of the applicant as upon an original application.

(b) Every chauffeur's license shall expire July first each year and shall be renewable on or before its expiration date upon application and payment of the required fee. The department may in its discretion waive examination upon renewal of a chauffeur's license.

SEC. 23. *Notice of change of address or name.*—Whenever any person after applying for or receiving an operator's or chauffeur's license shall move from the address named in such application or in the license issued to him or when the name of a licensee is changed by marriage or otherwise such person shall within 10 days thereafter notify the department in writing of his old and new addresses or of such former and new names and of the number of any license then held by him.

SEC. 24. *Records to be kept by the department.*—(a) The department shall file every application for a license received by it and shall maintain suitable indexes containing, in alphabetical order:

1. All applications denied and on each thereof note the reasons for such denial;

2. All applications granted; and

3. The name of every licensee whose license has been suspended or revoked by the department and after each such name note the reasons for such action.

(b) The department shall also file all accident reports and abstracts of court records of convictions received by it under the laws of this State and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic acci-

⁹ As an alternative, the act may provide that every license shall expire (2) (or) 3 years from the date of issue. In such case it should be provided that the department shall notify each license holder a short time before his license is to expire.

dents in which he has been involved shall be readily ascertainable and available for the consideration of the department upon any application for renewal of license and at other suitable times.¹⁰

ARTICLE III

CANCELATION, SUSPENSION, OR REVOCATION OF LICENSES

SEC. 25. *Authority of department to cancel license.*—(a) The department is hereby authorized to cancel any operator's or chauffeur's license upon determining that the licensee was not entitled to the issuance thereof hereunder or that said licensee failed to give the required or correct information in his application or committed any fraud in making such application.

(b) Upon such cancellation, the licensee must surrender the license so canceled to the department.

SEC. 26. *Suspending privileges of nonresidents and reporting convictions.*—(a) The privilege of driving a motor vehicle on the highways of this State given to a nonresident hereunder shall be subject to suspension or revocation by the department in like manner and for like cause as an operator's or chauffeur's license issued hereunder may be suspended or revoked.

(b) The department is further authorized, upon receiving a record of the conviction in this State of a nonresident driver of a motor vehicle of any offense under the motor-vehicle laws of this State, to forward a certified copy of such record to the motor-vehicle administrator in the State wherein the person so convicted is a resident.

SEC. 27. *Suspending resident's license upon conviction in another State.*—The department is authorized to suspend or revoke the license of any resident of this State or the privilege of a nonresident to drive a motor vehicle in this State upon receiving notice of the conviction of such person in another State of an offense therein which, if committed in this State, would be grounds for the suspension or revocation of the license of an operator or chauffeur.

SEC. 28. *When court to forward license to department and report convictions.*—(a) Whenever any person is convicted of any offense for which this act makes mandatory the revocation of the operator's or chauffeur's license of such person by the department, the court in which such conviction is had shall require the surrender to it of all operator's and chauffeur's licenses then held by the person so convicted and the court shall thereupon forward the same together with a record of such conviction to the department.¹¹

(b) Every court having jurisdiction over offenses committed under this act, or any other act of this State or municipal ordinance regulating the operation of motor vehicles on highways, shall forward to the department a record of the conviction of any person in said court for a violation of any said laws other than regulations

¹⁰ This is believed a most desirable provision if the license law is to serve the purpose intended and afford opportunity to refuse renewal of license and to suspend or revoke the licenses of those responsible for traffic accidents or frequently convicted of traffic violations. In this connection it is very important that the State adopt as part of its motor-vehicle laws those provisions requiring reports of traffic accidents contained in act V of the uniform vehicle code.

¹¹ This paragraph is desirable as a means to carry out mandatory revocation as hereinafter provided.

governing standing or parking, and may recommend the suspension of the operator's or chauffeur's license of the person so convicted.

(c) For the purposes of this act the term "conviction" shall mean a final conviction. Also, for the purposes of this act a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.

SEC. 29. *Mandatory revocation of license by department.*—The department shall forthwith revoke the license of any operator or chauffeur upon receiving a record of such operator's or chauffeur's conviction of any of the following offenses, when such conviction has become final:

1. Manslaughter (or negligent homicide) resulting from the operation of a motor vehicle;

2. Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug;

3. Any felony in the commission of which a motor vehicle is used;

4. Failure to stop and render aid as required under the laws of this State in the event of a motor-vehicle accident resulting in the death or personal injury of another;

5. Perjury or the making of a false affidavit or statement under oath to the department under this act or under any other law relating to the ownership or operation of motor vehicles;

6. Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.¹²

SEC. 30. *Authority of department to suspend or revoke license.*—

(a) The department is hereby authorized to suspend the license of an operator or chauffeur without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

1. Has committed an offense for which mandatory revocation of license is required upon conviction;

2. Has been involved as a driver in any accident resulting in the death or personal injury of another or serious property damage;

3. Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

4. Is an habitually reckless or negligent driver of a motor vehicle;

5. Is incompetent to drive a motor vehicle;

6. Has permitted an unlawful or fraudulent use of such license; or

7. Has committed an offense in another State which if committed in this State would be grounds for suspension or revocation.

(b) Upon suspending the license of any person as hereinbefore in this section authorized, the department shall immediately notify the licensee in writing and upon his request shall afford him an opportunity for a hearing as early as practical within not to exceed 20 days after receipt of such request in the county wherein the licensee re-

¹² Where the offenses above enumerated are defined and penalties provided in the criminal code of the State it would be sufficient in the above section to refer by number to such sections of the criminal code without specifically describing such offenses in the above section.

sides unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the commissioner or his duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. Upon such hearing the department shall either rescind its order of suspension or, good cause appearing therefor, may extend the suspension of such license or revoke such license.¹³

SEC. 31. *Department may require reexamination.*—The department, having good cause to believe that a licensed operator or chauffeur is incompetent or otherwise not qualified to be licensed, may upon written notice of at least 5 days to the licensee require him to submit to an examination. Upon the conclusion of such examination the department shall take action as may be appropriate and may suspend or revoke the license of such person or permit him to retain such license, or may issue a license subject to restrictions as permitted under section 20. Refusal or neglect of the licensee to submit to such examination shall be ground for suspension or revocation of his license.

SEC. 32. *Period of suspension or revocation.*—(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a period of more than 1 year, except as permitted under section 38.

(b) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked shall not be entitled to have such license or privilege renewed or restored unless the revocation was for a cause which has been removed, except that after the expiration of 1 year from the date on which the revoked license was surrendered to and received by the department such person may make application for a new license as provided by law, but the department shall not then issue a new license unless and until it is satisfied after investigation of the character, habits, and driving ability of such person that it will be safe to grant the privilege of driving a motor vehicle on the public highways.

SEC. 33. *Surrender and return of license.*—The department upon suspending or revoking a license shall require that such license shall be surrendered to and be retained by the department, except that at the end of the period of suspension such license so surrendered shall be returned to the licensee.

SEC. 34. *No operation under foreign license during suspension or revocation in this State.*—Any resident or nonresident whose operator's or chauffeur's license or right or privilege to operate a motor vehicle in this State has been suspended or revoked as provided in this act shall not operate a motor vehicle in this State under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this act.

SEC. 35. *Right of appeal to court.*—Any person denied a license or whose license has been canceled, suspended, or revoked by the department except where such cancelation or revocation is mandatory under the provisions of this act shall have the right to file a

¹³ Upon enacting the above provisions it is desirable that a State also enact requirement for the reporting of accidents as in art. IV, secs. 44-52, inclusive, of act V of the code unless the State law already requires such reports.

petition within 30 days thereafter for a hearing in the matter in (a court of record) in the county wherein such person shall reside and such court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon 30 days' written notice to the commissioner, and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a license or is subject to suspension, cancelation, or revocation of license under the provision of this act.

ARTICLE IV

VIOLATION OF LICENSE PROVISIONS

SEC. 36. *Unlawful use of license.*—It is a misdemeanor for any person:

1. To display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious, or fraudulently altered operator's or chauffeur's license;

2. To lend his operator's or chauffeur's license to any other person or knowingly permit the use thereof by another;

3. To display or represent as one's own any operator's or chauffeur's license not issued to him;

4. To fail or refuse to surrender to the department upon its lawful demand any operator's or chauffeur's license which has been suspended, revoked, or canceled;

5. To use a false or fictitious name in any application for an operator's or chauffeur's license or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;

6. To permit any unlawful use of an operator's or chauffeur's license issued to him; or

7. To do any act forbidden or fail to perform any act required by this act.

SEC. 37. *Making false affidavit perjury.*—Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of this act to be sworn to or affirmed, is guilty of perjury and upon conviction shall be punishable by fine or imprisonment as other persons committing perjury are punishable.

SEC. 38. *Driving while license suspended or revoked.*—(a) Any person who drives a motor vehicle on any public highway of this State at a time when his privilege so to do is suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than 2 days nor more than 6 months and there may be imposed in addition thereto a fine of not more than \$500.

(b) The department upon receiving a record of the conviction of any person under this section upon a charge of driving a vehicle while the license of such person was suspended shall extend the period of such suspension for an additional like period and if the conviction was upon a charge of driving while a license was revoked the department shall not issue a new license for an additional period

of 1 year from and after the date such person would otherwise have been entitled to apply for a new license.

SEC. 39. *Permitting unauthorized minor to drive.*—No person shall cause or knowingly permit his child or ward under the age of 18 years to drive a motor vehicle upon any highway when such minor is not authorized hereunder or in violation of any of the provisions of this act.

SEC. 40. *Permitting unauthorized person to drive.*—No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized hereunder or in violation of any of the provisions of this act.

SEC. 41. *Employing unlicensed chauffeur.*—No person shall employ as a chauffeur of a motor vehicle any person not then licensed as provided in this act.¹⁴

SEC. 42. *Renting motor vehicle to another.*—(a) No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed hereunder or, in the case of a nonresident, then duly licensed under the laws of the State or country of his residence except a nonresident whose home State or country does not require that an operator be licensed.

(b) No person shall rent a motor vehicle to another until he has inspected the operator's or chauffeur's license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his presence.

(c) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of said latter person and the date and place when and where said license was issued. Such record shall be open to inspection by any police officer or officer or employee of the department.

ARTICLE V

PENALTIES

SEC. 43. *Penalty for misdemeanor.*—(a) It is a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this State declared to be a felony.

(b) Unless another penalty is in this act or by the laws of this State provided, every person convicted of a misdemeanor for the violation of any provision of this act shall be punished by a fine of not more than (\$500.00) or by imprisonment for not more than 6 months, or by both such fine and imprisonment.

¹⁴ In every instance a chauffeur must be licensed either in this or his home State.

ARTICLE VI

EFFECT OF AND SHORT TITLE OF ACT

SEC. 44. *Uniformity of interpretation.*—This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

SEC. 45. *Short title.*—This act may be cited as the Uniform Motor-Vehicle Operators' and Chauffeurs' License Act.

SEC. 46. *Constitutionality.*—If any part or parts of this act shall be held to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional.

SEC. 47. *Repeal.*—(The (existing operators' and chauffeurs' license statute) is hereby repealed, and) all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 48. *Time of taking effect.*—This act shall take effect from and after the day of

